SPECIAL report

Forest Practices Board

Special Investigation Report
Forest Practices and Code Enforcement in a Cutblock near Schwartzenberg Lagoon in the Port McNeill Forest District

Summary Report
FPB/SIR/01S

Introduction

This is the Forest Practices Board's final report on a special investigation of a cutblock at Schwartzenberg Lagoon, near Seymour Inlet in the mainland coast portion of the Port McNeill Forest District. The block was harvested under timber licence T0127, held by Lone Tree Logging Ltd.

While conducting an audit of the Port McNeill Small Business Forest Enterprise Program in July 1998, Board staff flew over the cutblock and observed two landslides, one of which had entered an S3 class stream. Staff also noted that there was extensive windthrow along the stream, the block appeared not to be planted, and roadside slash piles had not been burned. Because the cutblock was not part of the small business program, it could not be examined within the audit.

The Board decided to conduct a special investigation of the cutblock to determine:

- whether the slides resulted from non-compliance with the Code
- compliance with the silviculture prescription with respect to planting the site
- compliance with the *Timber Harvesting Practices Regulation* requirement to dispose of slash
- government enforcement relating to the above three items

Because the block was approved in a forest development plan in July 1994, prior to the Code, the windthrow issue was not within the Board's jurisdiction to investigate. The other events have occurred since 1995 and are within the Board's jurisdiction.

Background

The forest development plan for the licence was approved in July 1994. All roads were constructed by May 30, 1995. Ministry of Forests records indicate that harvesting in

the portion of the licence area where the slides took place (cutblock 2) was completed during the summer of 1995, after the Forest Practices Code came into effect on June 15, 1995. Road deactivation took place to the satisfaction of the Ministry of Forests by November 20, 1995.

Landslides in the area were first identified by ministry staff and reported to the licensee in early October 1997. The licensee submitted a slide report to the Ministry of Forests on December 18, 1997.

The site was identified by the Board's audit team in July 1998. Board staff met with Ministry of Forests district staff and visited the site on September 2-3, 1998. Preliminary findings were provided to the ministry and the licensee, and Board staff spoke by telephone with representatives of Lone Tree Logging Ltd.

Discussion

Landslides

The outer region of the mainland coast, extending from Knight Inlet to beyond the Burke Channel, is known for prevalent natural slide occurrences during periods of high rainfall. Mean annual precipitation, largely in the form of rainfall, throughout this region is greater than 2500 mm per year. While conducting the site visit, Board staff observed several major natural slides within one kilometre of the site. The Ministry of Forests advised the Board that there are approximately 100 slide events annually in the district. Forestry activities can increase the risk of landslides in steep terrain.

In addition to the two slides initially observed by the Ministry of Forests, a third slide has since occurred within the cutblock. Two potential slope failures were also noted in an adjacent cutblock which is part of the same timber licence and was logged in 1996. The slides were open-slope failures and were not directly related to road construction practices. However, such occurrences were predicted or inferred by the silviculture prescription and a terrain assessment, and timely planting was prescribed to address slope stability concerns. Due to the passage of time since harvesting, there is no evidence to say whether or not the slides resulted from non-compliance with the Code.

The impact of the slides has been loss of growing site and local siltation into the S3 stream. Much of the slide area has eroded down to bedrock. It may be extremely difficult to effectively regenerate these areas without rehabilitation. A rehabilitation plan for the slides was requested by the ministry on October 7, 1997. The licensee submitted a plan to the Ministry of Forests on September 29, 1998. Rehabilitation has not yet occurred.

Regeneration

The approved silviculture prescription required planting within two years of the completion of harvesting to hasten green-up and also to address slope stability concerns. The block has not been planted to date.

Road Deactivation

While on the site, it was noted that road deactivation, involving the removal of a bridge over the S3 stream on Spur 1, did not provide for adequate sediment erosion controls and is resulting in sediment from embankments and ditchlines entering the stream.

Slash piles

The approved silviculture prescription stated that slash piles must be burned or disposed of by other means. A final harvest inspection report for cutblock 2 required that the licensee burn the roadside slash piles by December 31, 1996. On October 1, 1997 the Ministry of Forests wrote to the licensee requesting a burn plan by October 15, 1997. The letter also outlined the penalties for not disposing of the slash under section 10 of the *Timber Harvesting Practices Regulation*.

The *Timber Harvesting Practices Regulation* requires that, if slash is to be burned, it must be done by the first burning season after harvest. Harvesting was completed in 1995, and the slash piles have not been burned to date.

Government Enforcement

The Ministry of Forests has advised the licensee of its concerns on numerous occasions by letter, fax, and telephone. However, formal enforcement actions or remediation orders have not been implemented to date. The Board is aware that enforcement efforts are ongoing, and the Ministry of Forests and the licensee are currently discussing the situation. The Ministry of Environment, Lands and Parks has advised the Board that it was not aware of the slides.

Conclusions

The licensee has not met its obligations under the Code with respect to planting the site and disposal of the slash piles. It is difficult to say whether the slides resulted from non-compliance with the Code. However, work is required to rehabilitate the slides and prevent further sedimentation into the S3 stream.

If the slides are not rehabilitated, sedimentation into the S3 stream will continue and there may be further loss of growing site. The licensee may not be able to meet its regeneration obligations under the Code, and may have to amend the silviculture prescription as a result.

To date, the Ministry of Forest's enforcement measures have not rectified the situation. However, enforcement efforts are continuing and the licensee has now indicated a willingness to complete its obligations. The licensee has submitted a rehabilitation plan and a schedule for completing its Code obligations to the Ministry of Forests district office.

Recommendations

1. Lone Tree Logging Ltd. should complete all outstanding Code obligations with respect to timber licence T0127 as soon as reasonably possible.
2. Lone Tree Logging Ltd. should carry out its commitment to rehabilitation, as approved by the Ministry of Forests, to address sedimentation and loss of growing site.
3. The Ministry of Forests and Lone Tree Logging Ltd. should review the current sedimentation problem where Spur 1 crosses the S3 stream and implement any necessary sediment erosion controls.
4. The Ministry of Forests should ensure that Lone Tree Logging Ltd. meets its obligations under the Code and implement formal enforcement measures if the licensee continues to fail to meet its obligations.
5. The Ministry of Forests should take steps to ensure the timely completion of Code obligations and the implementation of preventive measures, such as timely planting, on sites with a high risk of landslides.

In accordance with section 186 of the Code, the Board requests that Lone Tree Logging and the Ministry of Forests advise it by November 30, 1998 of the steps that have been or are proposed to be taken to comply with these recommendations.

RESPONSE TO RECOMMENDATIONS

On November 27, 1998 the Forest Practices Board received a letter from the Ministry of Forests in response to these recommendations. The ministry advised the Board of the steps that have been taken by Lone Tree Logging and the ministry to address the recommendations in this report. The Board is satisfied that appropriate steps have been taken to implement outstanding Code requirements, address sedimentation problems, and ensure adequate regeneration of the site. The matter is now concluded.

Anyone wishing further information about this site should contact the Port McNeill Forest District at (250) 956-5000.

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